

**LEXINGTON-FAYETTE URBAN COUNTY COUNCIL**

**WORK SESSION AGENDA**

**November 23, 2010**

- I. Public Comment – Issues on Agenda**
- II. Requested Rezoning / Docket Approval – None**
- III. Approval of Summary – Yes, November 16, 2010, pp.9-12**
- IV. Budget Amendments – None**
- V. New Business, pp.16-73**
- VI. Continuing Business / Presentations**
  - A. Water Resources Oversight Committee (separate)**
  - B. Council Planning Committee, pp.74-77**
  - C. Courthouse Area Design Review Board Annual Update**  
**Mr. Billy F. Van Pelt, Design Review Officer, Courthouse**  
**Area Design Overlay Zone**
- VII. Council Report**
- VIII. Mayor's Report – None**
- IX. Public Comment – Issues Not on Agenda**

## ADMINISTRATIVE SYNOPSIS

### New Business Items

- A. Authorization of a Proposed Agreement with Municipal Code Corporation (MCCi) on Behalf of the Council Office, Council Clerk's Office for Legistar Legislative Management and Automated Agenda Solutions. (520-10) (Lamb/Langston)  
This request will authorize the approval of a proposed agreement in the amount of \$87,375 with MCCi to implement and manage the Legistar Legislative Management and Automated Agenda Solutions within the Council Clerk's Office with an annual renewal of Legistar SAP and managed services at an estimated cost of \$29,051. Funds are budgeted.**pp.16**
- B. Authorization of Change Order No. 1 to Contract with Claunch Construction, LLC for the Leesway Drive Sanitary Sewer Improvements Project. (FINAL) (546-10) (Gooding/Webb)  
This request will authorize approval of Change Order No. 1 to increase contract amount by \$11,454.77 with Claunch Construction, LLC for the Leesway Drive Sanitary Sewer Improvements project to adjust final quantities required to complete project. Original contract amount was \$314,165.65. Final contract amount is \$325,620.42. Funds are budgeted.**pp.17-20**
- C. Authorization of Change Order No. 1 to Contract with Woodall Construction for the Lexington Downtown Streetscape Improvements Project – Phase One – East Main Street Project. (547-10) (Webb)  
This request will authorize approval of Change Order No. 1 to increase contract amount by \$42,913.07 with Woodall Construction for the Lexington Downtown Streetscape Improvements Project – Phase I – East Main Street Project. Funds will be used for construction and street repair between Limestone and Martin Luther King Jr. Boulevard. Original contract amount was \$2,603,629.38. New contract amount is \$2,646,542.45. Funds are budgeted.**pp.21-23**
- D. Authorization of Change Order No. 1 to Contract with Arrow Electrical Contractors for the Conduit Installation-Sir Barton Way under the Fiber Optic Cable Installation Program – FY2008. (556-10) (Gooding/Webb)  
This request will authorize approval of Change Order No. 1 to increase contract amount by \$7,060 with Arrow Electrical Contractors for the conduit installation for Sir Barton Way. Original contract amount was \$87,996. New contract amount is \$95,056. Funds are budgeted.**pp.24-26**

- E. \* Authorization of Change Order No. 1 to Contract with Stantec for Consulting Services Regarding the Group 2 & 3 Sanitary Sewer Assessment (SSA) Project. (550-10) (Martin/Bush)  
This request will authorize approval of Change Order No. 1 to increase contract amount by \$136,000 with Stantec for consulting services (contract 1 vendor) regarding the Group 2 & 3 SSA project for field oversight, quality control, project management, and data analysis. Original contract amount was \$599,200. New contract amount is \$735,200. Funds are budgeted.**pp.27-28**  
**\*EPA Consent Decree**
- F. Authorization of Amendment No. 1 to the Water Resources Investigations Agreement with the US Department of the Interior, US Geological Survey (USGS). (551-10) (Martin/Bush)  
This request will authorize approval of Amendment No. 1 to increase amount by \$19,000 to the Water Resources Investigations Agreement with USGS to use data collected from the stream flow and rain gauges for the Kentucky Pollutant Discharge Elimination System (KPDES) Municipal Separate Storm Sewer System (MS4) discharge permit pilot study. Funds are budgeted.**pp.29-30**
- G. \* Authorization of Change Order No. 1 and Termination of Contract with Woolpert, Inc. Regarding the Group 2 & 3 Sanitary Sewer Assessment (SSA) Project. (FINAL) (552-10) (Martin/Bush)  
This request will authorize approval of Change Order No. 1 to decrease contract amount by \$2,633,902.20 and terminate contract with Woolpert, Inc. (contract 3 vendor), by mutual agreement, regarding the Group 2 & 3 SSA project. Original contract amount was \$2,933,902.20. Final contract amount is \$300,000. Funds are budgeted.**pp.31-32**  
**\*EPA Consent Decree**
- H. Authorization of A Lease Agreement with Winmar Corporation on Behalf of the Department of Environmental Quality, Division of Water Quality. (557-10) (Martin/Bush)  
This request will authorize approval of a Lease Agreement with Winmar Corporation on behalf of the Division of Water Quality to consolidate administrative and technical staff in one location for a term of three (3) years with option to renew for two (2) additional years. The fiscal impact for FY2011 is \$50,541.05. The annual impact is \$233,797.75.**p.33**
- I. Authorization of a Grant Award Agreement with WLEX Communications, LLC under the Class B Education Incentive Grant Project for a Stormwater Quality Project – FY2011 (558-10) (Martin/Bush)  
This request will authorize approval of a Grant Award Agreement in the amount of \$115,869.06 with WLEX Communications, LLC under the Class B Education Incentive Grant project for a Stormwater Quality project. A 50% match of contributions, labor and other services is required above the first \$2,500. This project is funded by the Water Quality Management Fee.**p.34**

- J. Authorization of a Grant Award Agreement with the University of Kentucky Research Foundation under the Class B Education Incentive Grant Project for a Stormwater Quality Project – FY2011. (559-10) (Martin/Bush)  
This request will authorize approval of a Grant Award Agreement in the amount of \$113,375 with the University of Kentucky Research Foundation under the Class B Education Incentive Grant project for a Stormwater Quality project. A 50% match of contributions, labor and other services is required above the first \$2,500. This project is funded by the Water Quality Management Fee.**p.35**
- K. Authorization of a Grant Award Agreement with Klausing Group, Inc. under the Class B Education Incentive Grant Project for a Stormwater Quality Project – FY2011. (560-10) (Martin/Bush)  
This request will authorize approval of a Grant Award Agreement in the amount of \$321,576.48 with Klausing Group, Inc. under the Class B Education Incentive Grant project for a Stormwater Quality project. A 50% match of contributions, labor and other services is required above the first \$2,500. This project is funded by the Water Quality Management Fee.**p.36**
- L. Authorization of a Grant Award Agreement with the Stanford E. Levy, LLC under the Class B Education Incentive Grant Project for a Stormwater Quality Project – FY2011. (561-10) (Martin/Bush)  
This request will authorize approval of a Grant Award Agreement in the amount of \$2,600 with Stanford E. Levy, LLC under the Class B Education Incentive Grant project for a Stormwater Quality project. A 50% match of contributions, labor and other services is required above the first \$2,500. This project is funded by the Water Quality Management Fee.**p.37**
- M. Authorization of a Grant Award Agreement with AIE Properties, LLC under the Class B Education Incentive Grant Project for a Stormwater Quality Project – FY2011. (562-10) (Martin/Bush)  
This request will authorize approval of a Grant Award Agreement in the amount of \$109,000 with AIE Properties, LLC under the Class B Education Incentive Grant project for a Stormwater Quality project. A 50% match of contributions, labor and other services is required above the first \$2,500. This project is funded by the Water Quality Management Fee.**p.38**
- N. Authorization of a Grant Award Agreement with the Community Montessori School, Inc. under the Class B Education Incentive Grant Project for a Stormwater Quality Project – FY2011. (563-10) (Martin/Bush)  
This request will authorize approval of a Grant Award Agreement in the amount of \$107,868 with the Community Montessori School, Inc. under the Class B Education Incentive Grant project for a Stormwater Quality project. A 50% match of contributions, labor and other services is required above the first \$2,500. This project is funded by the Water Quality Management Fee.**p.39**

- O. Authorization of a Grant Award Agreement with Coca-Cola Refreshments USA, Inc. under the Class B Education Incentive Grant Project for a Stormwater Quality Project – FY2011. (564-10) (Martin/Bush)  
This request will authorize approval of a Grant Award Agreement in the amount of \$189,090 with Coca-Cola Refreshments USA, Inc. under the Class B Education Incentive Grant project for a Stormwater Quality project. A 50% match of contributions, labor and other services is required above the first \$2,500. This project is funded by the Water Quality Management Fee.**p.40**
- P. Authorization of a Grant Award Agreement with the Board of Education of Fayette County, Kentucky, Clays Mill Elementary School under the Class B Education Incentive Grant Project for a Stormwater Quality Project – FY2011. (565-10) (Martin/Bush)  
This request will authorize approval of a Grant Award Agreement in the amount of \$57,800 with the Board of Education of Fayette County, Kentucky for Clays Mill Elementary School under the Class B Education Incentive Grant project for a Stormwater Quality project. A 50% match of contributions, labor and other services is required above the first \$2,500. This project is funded by the Water Quality Management Fee.**pp.41-42**
- Q. Authorization of a Grant Award Agreement with Ronald McDonald House Charities of the Bluegrass, Inc. under the Class B Education Incentive Grant Project for a Stormwater Quality Project – FY2011. (566-10) (Martin/Bush)  
This request will authorize approval of a Grant Award Agreement in the amount of \$201,285 with Ronald McDonald House Charities of the Bluegrass, Inc. under the Class B Education Incentive Grant project for a Stormwater Quality project. A 50% match of contributions, labor and other services is required above the first \$2,500. This project is funded by the Water Quality Management Fee.**pp.43-44**
- R. Authorization of an Engineering Services Agreement with BTM Engineering, Inc. Regarding the Investigation/Design for Lexington Mall Sanitary Sewer Relocation Project. (567-10) (Martin/Bush)  
This request will authorize approval of an Engineering Services Agreement in the amount of \$23,500 with BTM Engineering, Inc. as a consultant regarding the Investigation/Design for Lexington Mall Sanitary Sewer Relocation project. Funds are budgeted.**p.45**
- S. Authorization to Accept a Grant Award from the Department of Military Affairs, Kentucky Division of Emergency Management (KYEM) for a Hazard Mitigation Grant Program (HMGP) for Southbend. (553-10) (Gooding/Bush)  
This request will authorize acceptance of a grant award of federal funds in the amount of \$1,274,959 from KYEM for a HMGP grant for Southbend. Funds will be used for the acquisition and demolition of nine (9) flood-prone residential properties on Lone Oak Drive, Southbend Drive and Lafayette Parkway for conversion to open spaces. A state match of 12% (\$203,993) is required. A local match of 13% (\$220,993) is required. Total project cost is \$1,699,945.**p.46**

- T. Authorization to Amend Section 21-5 of the Code of Ordinances on Behalf of the Department of Environmental Quality, Division of Water Quality and Section 22-5 of the Code of Ordinances on Behalf of the Department of Public Safety, Division of Police. (568-10) (L. Jarvis/Bush/Bennett)  
This request will authorize approval of an amendment to Section 21-5 of the Code of Ordinances to create one (1) position of Deputy Director of Administrative Services – Water Quality (Grade 120E), abolish one (1) position of Engineering Technician Principal (Grade 115E) and one (1) position of Engineering Technician (Grade 111N) and create two (2) positions of Environmental Inspector (Grade 113N) within the Division of Water Quality. This will also approve an amendment to Section 22-5 of the Code of Ordinances to abolish two (2) positions of Communications Officer P/T (Grade 111N) within the Division of Police. The fiscal impact for FY2011 will be a savings of \$4,810.90. The position of Deputy Director of Administrative Services – Water Quality (Grade 120E) was approved and funded in the FY2011 Budget.**p.47**
- U. Authorization of a Memorandum of Understanding (MOU) with the Kentucky Cabinet for Health & Family Services, Department of Public Health, Office of Vital Statistics on Behalf of the Department of Public Safety, Division of Police. (548-10) (Bastin/Bennett)  
This request will authorize approval of a MOU with the Department of Public Health, Office of Vital Statistics to allow the Division of Police access to Kentucky vital records required during official investigations. There is no budgetary impact for LFUCG.**pp.48-50**
- V. Authorization of a Government Entity Tower License Agreement with Crown Castle GT Company, LLC on Behalf of the Department of Public Safety, Division of Police. (549-10) (Bastin/Bennett)  
This request will authorize approval of a Government Entity License Agreement with Crown Castle GT Company, LLC on behalf of the Division of Police to allow upgrades to be made to police equipment attached to a tower owned by Crown Castle GT Company, LLC. There is no budgetary impact for LFUCG.**p.51**
- W. Authorization of a Rave Licensed Application Order Form (Chapter 50 Program) with Rave Wireless, Inc. on Behalf of the Department of Public Safety, Division of Emergency Management/911. (571-10) (Lucas/Bennett)  
This request will authorize approval of a Rave License Application Order Form (Chapter 50 Program) for an annual fee of \$72,000 with Rave Wireless, Inc. on behalf of the Division of Emergency Management/911 for the Enhanced 911 system for software, training and implementation services to implement a 911 self-registration portal. The cost of this product and services are obtained under the University of Kentucky price contract and meets state specifications and acceptable expenses under the Commonwealth of Kentucky regulations. Funds are budgeted.**p.52**

- X. Authorization of a Facility Usage Contract with the Fayette County Board of Education (FCBE) on Behalf of the Department of General Services, Division of Parks & Recreation for the After-School Program. (538-10) (Hancock/Cole)  
This request will authorize a Facility Usage Contract in the amount of \$7,340.85 with the FCBE on behalf of the Division of Parks & Recreation for use of the Winburn Middle School Gymnasium for the After-School program. Funds are budgeted.**pp.53-54**
- Y. Authorization to Submit Grant Application and Accept Award from the Kentucky Board of Emergency Medical Services on Behalf of the Department of Public Safety, Division of Fire & Emergency Services for Purchase of Emergency Medical Services (EMS) Equipment – FY2012. (578-10) (Gooding/Bennett)  
This request will authorize the submission of a grant application and acceptance of funds in the amount of \$10,000 from the Kentucky Board of Emergency Medical Services on behalf of the Division of Fire & Emergency Services for purchase of EMS equipment to include a monitor/defibrillator, Sager<sup>®</sup> splints and fracture/splint kits. No matching funds are required.**p.55**
- Z. Authorization of an Agreement for Services Offered by the Kentucky Department of Fish and Wildlife Resources (KDFWR) Regarding the Hisle Park Ponds. (569-10) (Hancock/Cole)  
This request will authorize approval of an agreement for services offered by KDFWR to manage the fishery of Hisle Park ponds and assist in the reclamation, stocking and enforcing Kentucky fish and wildlife regulations. There is no budgetary impact.**p.56**
- AA. Authorization of Change Order No. 1 to Contract with Tennis Technology, Inc. for the Shillito & Kirklevington Tennis Court Project. (570-10) (Hancock/Cole)  
This request will authorize approval of Change Order No. 1 to increase contract amount by \$1,395 with Tennis Technology, Inc. for the Shillito & Kirklevington Tennis Court project. Funds will be used to repair cracks and replace one (1) net post crank. Original contract amount was \$113,653. New contract amount is \$115,048. Funds are budgeted.**pp.57-59**
- BB. Authorization to Submit Grant Application to the US Environmental Protection Agency (USEPA) under the National Clean Diesel Funding Assistance Program. (577-10) (Gooding/Cole)  
This request will authorize approval to submit grant application in the amount of \$1,000,000 from the USEPA under the National Clean Diesel Funding Assistance program to repower approximately fifty five (55) fleet vehicles with propane conversion kits, install a propane fueling station and purchase new propane-powered vehicles. A 25% local match is required and will be met by using the value of existing vehicles.**p.60**
- CC. Authorization of an Inducement to nGimat, LLC as Part of the Kentucky Business Investment (KBI) Program. (572-10) (Wright/Kelly)  
This request will authorize an inducement of one (1) percent occupational license tax abatement for nGimat, LLC as part of their participation in the KBI Program.**pp.61-62**

- DD. Authorization of an Inducement to Illinois Tool Works as Part of the Kentucky Business Investment (KBI) Program. (573-10) (Wright/Kelly)  
This request will authorize an inducement of one (1) percent occupational license tax abatement for Illinois Tool Works as part of their participation in the KBI Program.**pp.63-64**
- EE. Authorization of an Inducement to Galmont Consulting, LLC as Part of the Kentucky Business Investment (KBI) Program. (574-10) (Wright/Kelly)  
This request will authorize an inducement of one (1) percent occupational license tax abatement for Galmont Consulting, LLC as part of their participation in the KBI Program.**pp.65-66**
- FF. Authorization of an Inducement to Escent Technologies, LLC as Part of the Kentucky Business Investment (KBI) Program. (575-10) (Wright/Kelly)  
This request will authorize an inducement of one (1) percent occupational license tax abatement for Escent Technologies, LLC as part of their participation in the KBI Program.**pp.67-68**
- GG. Authorization of an Inducement to NTSG, Inc. as Part of the Kentucky Business Investment (KBI) Program. (576-10) (Wright/Kelly)  
This request will authorize an inducement of one (1) percent occupational license tax abatement for NTSG, Inc. as part of their participation in the KBI Program.**pp.69-70**
- HH. Authorization to Amend Sections 2-442, 2-443, 2-444 and 2-447 of the Code of Ordinances Related to the Internal Audit Board. (579-10) (Askew)  
This request will authorize amendments to Sections 2-442, 2-443, 2-444 and 2-447 of the Code of Ordinances relating to the Internal Audit Board as recommended by the KY State Auditor. The number of board members will increase from five (5) to seven (7) with the two (2) additional members be appointed from the community at large; two (2) appointments be recommended by the Urban County Council; members may be removed for cause after a hearing; limit the number of consecutive terms members may serve to three (3) full terms; require the chair and vice-chair be elected from members from the community at large, and require the Board to adopt bylaws.**pp.71-73**

**\*Denotes EPA Consent Decree**